

REMARKS

Claims 1-7 have been canceled and claims 8 and 21 have been amended. No new claims have been added and no claims have been canceled by way of this response. Thus, claims 8-21 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response to Rejections Under Section 102:

Claims 8-21 stand rejected under 35 U.S.C § 102(b), the Examiner contending that these claims are anticipated by La Pierre (USPN 5,951,611).

Applicant's claims 8 and 21 recite "determining a normalized operational signal ... where the normalized operational signal is determined as a quotient representing a deviation of the actual operational signal from the mean operational signal value". In contrast, La Pierre teaches determining data scatter by subtracting the difference between the measured data and an average value, which is not a normalizing process.

MPEP §2131 states, that "to anticipate a claim, the reference must teach every element of the claim." Applicants respectfully submit that La Pierre does not recite the normalizing step as given above. La Pierre does not teach each and every element of claims 8 and 21, therefore claims 8 and 21 are not anticipated by La Pierre. Furthermore, Claims 9-20 which depend on claim 8 are also patentable at least based on their dependence from claim 1 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the Section 102 rejections.

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: April 1, 2008

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